

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d)) - NON-PROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of Oklahoma Medical Research Foundation, a body corporate with a place of business located at 825 NE Thirteenth Street, Oklahoma City, Oklahoma 73104.

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c)(3))
- ☐ NON-PROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA (NAME OF STATE _____) (CITATION OF STATUTE _____)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NON-PROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA (NAME OF STATE _____) (CITATION OF STATUTE _____)

I hereby declare that the non-profit organization identified above qualifies as a non-profit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention, entitled "COMPOSITION AND METHOD FOR REGULATION OF BODY WEIGHT AND ASSOCIATED CONDITIONS" and identified as Attorney File No. 3718-3, described in application Serial No. 09/458,580, filed on December 9, 1999.

I hereby declare that rights under contract or law have been conveyed to and remain with the non-profit organization with regard to the above-identified invention.

If the rights held by the non-profit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME Eleanor Roosevelt Institute

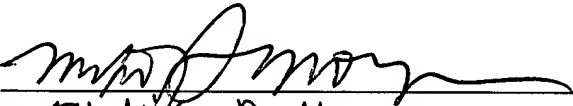
ADDRESS 1899 Gaylord St., Denver, Colorado 80206

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NON-PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

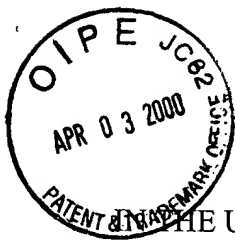
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 3/10/00

By: 

Name: Mike D. Morgan

Title: Vice President Business Operations



RULE 63 (37 CFR § 1.63)
DECLARATION FOR PATENT APPLICATION
THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "COMPOSITION AND METHOD FOR REGULATION OF BODY WEIGHT AND ASSOCIATED CONDITIONS" and identified as Attorney File No. 3718-3, described in application Serial No. 09/458,580, filed on December 9, 1999.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated Page 4 hereof and which I have read.

I hereby claim priority benefits under 35 U.S.C. 119(e) of any provisional application(s) for patent listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
60/111,581	December 9, 1998	abandoned
60/146,306	July 29, 1999	pending
60/146,305	July 29, 1999	pending
60/146,304	July 29, 1999	pending
60/146,303	July 29, 1999	pending
60/146,302	July 29, 1999	pending
60/146,301	July 29, 1999	pending
60/146,300	July 29, 1999	pending
60/146,299	July 29, 1999	pending

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Inventor's Signature



Date

2/25/00

Inventor's Name:

Miles B. Brennan

Citizenship:

USA

Residence:

2945 Leyden Street
Denver, Colorado 80206

Post Office Address:

Same as Residence

(2) Inventor's Signature Ute Hochgeschwender Date 03/08/00

Inventor's Name: Ute Hochgeschwender
Citizenship: USA
Residence: 4612 N.W. 65th Street
Oklahoma City, Oklahoma 73132
Post Office Address: Same as Residence



37 CFR §1.56(a) and (b)
DUTY TO DISCLOSE INFORMATION MATERIAL
TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application,
and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

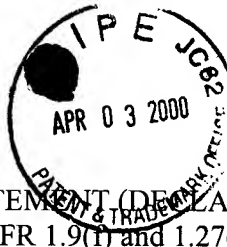
(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.*

*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."



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NAME Oklahoma Medical Research Foundation

ADDRESS 825 NE Thirteenth Street, Oklahoma City, Oklahoma 73104

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

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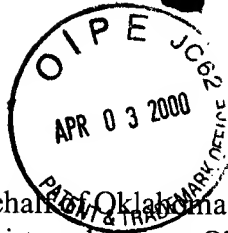
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 2/28/00

By: _____

Name: David Patterson

Title: President and Senior Scientist



POWER OF ATTORNEY

On behalf of Oklahoma Medical Research Foundation, having a principal place of business at 825 NE Thirteenth Street, Oklahoma City, Oklahoma 73104, being the assignee of and owning an equal undivided right, title and interest in the invention entitled "COMPOSITION AND METHOD FOR REGULATION OF BODY WEIGHT AND ASSOCIATED CONDITIONS," for which application for Letters Patent of the United States has been made by Miles B. Brennan and Ute Hochgeschwender, said application having been filed on December 9, 1999, receiving Serial No. 09/458,580, and identified as Attorney File No. 3718-3, I, Mike D. Morgan, V-P, Business Operations of Oklahoma Medical Research Foundation, hereby appoint David F. Zinger, Registration No. 29,127; Craig C. Groseth, Registration No. 31,713; Michael L. Tompkins, Registration No. 30,980; Sabrina C. Stavish, Registration No. 33,374; Todd P. Blakely, Registration No. 31,328; Lewis D. Hansen, Registration No. 35,536; Joseph E. Kovarik, Registration No. 33,005; Gary J. Connell, Registration No. 32,020; Wannell M. Crook, Registration No. 31,071; Douglas W. Swartz, Registration No. 37,739; Bruce A. Kugler, Registration No. 38,942; Robert R. Brunelli, Registration No. 39,617; Richard L. Hughes, Registration No. 31,264; Tejpal S. Hansra, Registration No. 38,172; Dana L. Hartje, Registration No. 40,638; Don D. Cha, Registration No. 40,945; Angela Dallas-Pedretti, Registration No. 42,460; Benjamin B. Lieb, Registration No. 42,801; Bradley M. Knepper, Registration No. 44,189; Theresa A. Brown, Registration No. 32,547; John C. Scott, Registration No. 38,613 and Miriam R. Drickman, Registration No. 42,499 of SHERIDAN ROSS P.C., 1560 Broadway, Suite 1200, Denver, Colorado 80202-5141, telephone number (303) 863-9700, as attorneys and agents for Oklahoma Medical Research Foundation with full powers of substitution, association and revocation to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

Date: 3/10/00

By: [Signature]
Name: Mike D. Morgan
Title: Vice President, Business Operations



POWER OF ATTORNEY

On behalf of Eleanor Roosevelt Institute, a non-profit organization having a principal place of business at 1899 Gaylord St., Denver, Colorado 80206 being the assignee of and owning an equal undivided right, title and interest in the invention entitled "COMPOSITION AND METHOD FOR REGULATION OF BODY WEIGHT AND ASSOCIATED CONDITIONS," for which application for Letters Patent of the United States has been made by Miles B. Brennan and Ute Hochgeschwender, said application having been filed on December 9, 1999, receiving Serial No. 09/458,580, and identified as Attorney File No. 3718-3, I, David Patterson,

President & Senior Scientist of Eleanor Roosevelt Institute, hereby appoint David F. Zinger, Registration No. 29,127; Craig C. Groseth, Registration No. 31,713; Michael L. Tompkins, Registration No. 30,980; Sabrina C. Stavish, Registration No. 33,374; Todd P. Blakely, Registration No. 31,328; Lewis D. Hansen, Registration No. 35,536; Joseph E. Kovarik, Registration No. 33,005; Gary J. Connell, Registration No. 32,020; Wannell M. Crook, Registration No. 31,071; Douglas W. Swartz, Registration No. 37,739; Bruce A. Kugler, Registration No. 38,942; Robert R. Brunelli, Registration No. 39,617; Richard L. Hughes, Registration No. 31,264; Tejpal S. Hansra, Registration No. 38,172; Dana L. Hartje, Registration No. 40,638; Don D. Cha, Registration No. 40,945; Angela Dallas-Pedretti, Registration No. 42,460; Benjamin B. Lieb, Registration No. 42,801; Bradley M. Knepper, Registration No. 44,189; Theresa A. Brown, Registration No. 32,547; John C. Scott, Registration No. 38,613 and Miriam R. Drickman, Registration No. 42,499 of SHERIDAN ROSS P.C., 1560 Broadway, Suite 1200, Denver, Colorado 80202-5141, telephone number (303) 863-9700, as attorneys and agents for Eleanor Roosevelt Institute with full powers of substitution, association and revocation to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

Date: 2/28/00

By: David Patterson
Name: David Patterson
Title: President and Senior Scientist